No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIAM MICHAEL SPEARMAN,

*Petitioner*,

v.

UNITED STATES OF AMERICA,

*Respondent*.

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**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI FROM A JUDGMENT OF THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

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**TO THE HON. CLARENCE THOMAS, ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT AND CIRCUIT JUSTICE FOR THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

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Pursuant to Rules 13.5, 22, and 30 of this Court, petitioner William Spearman respectfully requests a 30-day extension of time, up to and including December 10, 2026, within which to file a petition for a writ of certiorari from the judgment of the U.S. Court of Appeals for the Eleventh Circuit. Petitioner has not previously sought an extension of time from this Court. Petitioner is filing this Application at least ten days before the current deadline, which is November 10, 2026. *See* Sup. Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

Petitioner pleaded guilty one count of engaging in a child exploitation enterprise and was ultimately sentenced to life imprisonment. His guilty plea was conditioned on his right to appeal the district court's denial of a motion to suppress evidence, which the parties agreed would be case dispositive. The district court denied petitioner's suppression motion and denied his request for an evidentiary hearing.

On appeal, petitioner primarily argued that the district court erroneously denied his request for a hearing. After oral argument, the Eleventh Circuit affirmed in a published decision. In doing so, the Eleventh Circuit applied a heightened standard to obtain an evidentiary hearing, requiring petitioner to allege specific, detailed, and nonconjectural facts that, if proven, would establish a constitutional violation warranting relief. App. 19a. As Judge Kidd explained in dissent, that standard was too high. It would place defendants like petitioner, who receive only limited discovery, in a Catch-22 situation by requiring them to effectively prove their case just to get a hearing. A copy of the Eleventh Circuit's decision—as well as the Eleventh Circuit's order denying petitioner's rehearing request—are attached here.

The forthcoming petition is a serious candidate for certiorari review. As will be explained, the courts of appeals have adopted different legal standards for when an evidentiary hearing is required on a motion to suppress. This Court has never addressed that important and frequently recurring issue. And it is dispositive here.

Undersigned counsel will not have sufficient time to prepare and file the certiorari petition by the current deadline due to the press of other business. In particular, he is counsel of record in *Berry v. United States* (U.S. No. 25-7026) (cert.

granted Oct. 13, 2026), where the initial merits brief is currently due on November 27, 2026. Counsel believes that additional time is important to ensure the effective representation of petitioner. No party will be prejudiced by the requested extension.

Accordingly, petitioner respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari by 30 days, which would extend the current deadline from November 10, 2026, to December 10, 2026.

Respectfully submitted,

HECTOR A. DOPICO
Federal Public Defender

By: */s/ Andrew L. Adler*

October 23rd, 2026

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